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Message Text

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ACTION ARA-10

INFO OCT-01 ISO-00 ARAE-00 SS-15 SP-02 PM-04 CIAE-00
INR-07 NSAE-00 L-03 MC-02 IGA-02 EB-08 /054 W
----------271756Z 070704 /43
P 271634Z JAN 77
FM AMEMBASSY BOGOTA
TO SECSTATE WASHDC PRIORITY 9570
INFO DEPT OF COMMERCE WASHDC
SECDEF WASHDC
CSAF WASHDC

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DEPT FOR ARA/AND DIRECTOR FRANK DEVINE FROM AMBASSADOR

DOD FOR ISA(SA)DSAA; CSAF FOR LGF

E.O. 11652: N/A
TAGS: PFOR, MASS, CO
SUBJECT: COLOMBIAN AIR FORCE C-130 OVERHAUL PROBLEM

REF: 76 BOGOTA 6401 (NOTAL)

1. COMMANDING GENERAL OF COLOMBIAN AIR FORCE (RODRIGUEZ) CALLED ON ME JAN 26 ACCOMPANIED BY GEN. LANDAZABAL, SECRETARY GENERAL LF THE MINISTRY OF DEFENSE, AND BY THE MINISTRY'S LEGAL ADVISOR TO DISCUSS FURTHER PROBLEMS REGARDING THE OVERHAUL OF TWO COLOMBIAN AIR FORCE C-130 AIRCRAFT BY AERO CORPORATION OF LAKE CITY, FLORIDA, GEN. RODRIGUEZ EXPLAINED HE WAS CALLING AT THE REQUEST OF THE MINISTER OF DEFENSE AND SEEKING US GOVT. ASSISTANCE IN THIS MATTER AS A LAST RESORT. (GOC HAS HAD SERIES OF PROBLEMS WITH THIS CORPORATION: SEE REFTEL)

2. RODRIGUEZ EXPLAINED THAT THE FIRST OF THE TWO
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X-130 AIRCRAFT HAS BEEN SATISFACTORILY OVERHAULED BY AERO CORP. BUT THAT THE COMPANY REFUSES TO DELIVER THE AIRCRAFT UNTIL THE COLOMBIAN GOVT MEETS A NUMBER OF CONDITIONS INCLUDING THE WAIVING OF ITS RIGHTS UNDER A PENALTY CLAUSE IN THE ORIGINAL CONTRACT. AS A RESULT OF THE COMPANY'S POSITION A COLOMBIAN AIR FORCE CREW WHICH HAD RECENTLY BEEN SENT TO FLORIDA TO TEST THE

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PLANE AND BRING IT BACK HAD TO RETURN ALONE BY COMMERCIAL AIR.

3. RODRIGUES STRESSED TO ME THAT THE COMPANY'S REFUSAL TO TURN OVER THE PLANE WAS IN VIOLATION OF AN ORDER ISSUED LATE LAST YEAR BY JUDGE DAVID POPPER OF THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN DADE COUNTY, FLORIDA (CASE NO. 76-17499-12). THIS ORDER, OF WHICH RODRIGUEZ FURNISHED A COPY, INSTRUCTED THE COMPANY TO DELIVER THE AIRCRAFT TO THE GOC'S REPRESENTATIVES 10 DAYS AFTER WORK HAD BEEN COMPLETED ON IT. IT ALSO STIPULATED THE MANNER IN WHICH THE COMPANY WAS TO COLLECT ITS PAYMENT FROM THE COURT (WHICH BY AGREEMENT HAS BEEN HOLDING THE SUM OF NEARLY 2 MILLION DOLLARS WHICH THE GOC PROVIDED TO COVER THE COST OF THE OVERHAUL.)

3. GEN. RODRIGUEZ EXPLAINED THAT THE COLOMBIANS HAD SOME TIME AGO ENGAGED AMERICAN LEGAL COUNSEL IN THIS MATTER AND THA THEIR LAWYERS ARE CHARGING $100 AN HOUR FOR THEIR SERVICES, A SUM WHICH THE GOC DOES NOT FIND IT EASY TO PAY. THE DEFENSE MINISTRY, CONVINCED THAT THE COMPANY'S FAILURE TO RELEASE THE AIRCRAFT IS IN DIRECT VIOLATION OF THE COURT ORDER, IS NOW SEEKING MEANS TO HAVE THIS ORDER ENFORCED WITHOUT FURTHER LOSS OF TIME AND MONEY. RODRIGUEZ SAID THEY FEEL THAT ONLY THE "INTERVENTION" OF USG AUTHORITIES CAN BRING THIS AMBOUT.

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4. RODRIGUEZ POINTED OUT THAT THE COLOMBIAN AIR FORCE NEED TO HAVE THE C-130 RETURNED AS SOON AS POSSIBLE BECAUSE IT PLAYS AN IMPORTANT ROLE IN THEIR LOGISTICS. HE ADDED THAT THE ABSENCE OF THE C-130'S IS BEGINNING TO ATTRACT MEDIA ATTENTION: A LOCAL NEWSPAPER COLUMNIST HAS APPARENTLY GOTTEN WIND OF THE PROBLEM AND HAS PUBLISHED A BARBED ARTICLE RAISING QUESTIONS ABOUT THE STATUS OF THE AIRCRAFT. RODRIGUEZ EXPLAINED THAT THE MINISTRY WILL PROBABLY BE COMING UNDER INCREASED PRESSURE TO RESPOND TO PRESS INTEREST OF THIS SORT, AND MIGHT BE OBLIGED TO ISSUE A STATEMENT.

5. I EXPLAINED TO GENERAL RODIRGUEZ THAT THIS WAS NOT A MATTER DIRECTLY INVOLVING OUR TWO GOVERNMENTS AND THAT I, THEREFORE, SAW LIMITATIONS ON WHAT THE USG MIGHT BE ABLE TO DO. I OBSERVED, HOWEVER, THAT THIS AFFAIR COULD OBVIOUSLY BE DAMAGING TO THE GOOD RELATIONS AND TO THE MUTUAL RESPECT AND UNDERSTANDING THAT WE WANTED TO PROMOTE BETWEEN COLOMBIANS AND

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AMERICANS, ESPECIALLY SINCE ONE OF THE CONTENDING PARTIES IS THE COLOMBIAN GOVERNMENT. I ASSURED HIM, THEREFORE, THAT WE WOULD PROVIDE OUR GOOD OFFICES TO OOK INTO THE PROBLEM AND SEE WHAT MIGHT BE DONE TO PROMOTE A SOLUTION.

6. ACTION REQUESTED: WE ARE POUCHING TO DEPT FOR ATTENTION OF ARA/AND DIRECTOR FRANK DEVINE A COPY OF THE COURT ORDERS THAT GEN. RODRIGUEZ GAVE US. I STRONGLY RECOMMEND THAT THE COURT AND THE AMERICAN COMPANY BE CONTACTED AS SOON AS POSSIBLE BY THE DEPT TO GET A STATUS REPORT ON THE CASE AND TO DEMONSTRATE OUR INTEREST IN A SATISFACTORY SOLUTION TO IT. IT SEEMS TO US HER THAT RODIRGUEZ IS PROBABLY CORRECT IN CONCLUDING THAT THE COMPANY IS FAILING TO CARRY OUT A COURT ORDER AND, I THINK ITS CONTINUED FAILURE TO DO SO WITH IMPUNITY WOULD REFLECT IN A DAMAGING WAY ON LIMITED OFFICIAL USE

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AMERICAN BUSINESS PRACTICES AS WELL AS ON OUR JIDICIAL PROCESSES IN COLOMBIAN EYES. MOREOVER, SOME OF THIS WOULD BE VOUND TO RUB OFF ON THE IMAGE OF THE USG ALSO, EVEN THOUGH WE HAVE EXPLAINED THAT THE USG IS NOT A PARTY TO THE DISPUTE. THE COLOMBIAN MILITARY, AND NO DOUBT THE READING PUBLIC HERE, WOULD FIND IT HARD TO UNDERSTAND WHY THE USG COULD NOT A LEAST HELP SEE THAT "JUSTICE IS DONE".
SANCHEZ

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
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Control Number: n/a
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Sent Date: 27-Jan-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
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Format: TEL
From: BOGOTA
Handling Restrictions: n/a
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Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 76 BOGOTA 6401
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 01-Apr-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3489753
Secure: OPEN
Status: NATIVE
Subject: COLOMBIAN AIR FORCE C-130 OVERHAUL PROBLEM
TAGS: PFOR, MASS, CO, AERO INTERNATIONAL CORP
To: STATE
Type: TE
vdkvgwkey: odbc://SAS/SAS.dbo.SAS_Docs/49d038d0-c288-dd11-92da-001cc4696bcc
Review Markings:
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EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009